

# **EXHIBIT "A"**

**WHITE AND WILLIAMS LLP**

BY: Christopher Konzelmann

Identification No: 027971990

LibertyView | 457 Haddonfield Road, Suite 400 |

Cherry Hill, NJ 08002-2220

856.317.3600

Attorneys for Plaintiff, Lexington Insurance Company

LEXINGTON INSURANCE COMPANY as subrogee of UNION ELECTRIC STEEL CORPORATION	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION - ESSEX COUNTY
Plaintiff,	:	DOCKET NO.: ESX-L-3116-14
v.	:	CIVIL ACTION
RED HOOK CONTAINER TERMINAL, LLC	:	<b>SUMMONS</b>
Defendant.	:	

**From The State of New Jersey To The Defendant Named Above:**

**RED HOOK CONTAINER TERMINAL, LLC**

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you receive it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford to pay an attorney, you may call the Legal Services Office in the county where you live. A list of these offices is provided. If you do not have an attorney and are

not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the lawyer referral services. A list of these offices is provided.

Dated: May 9, 2014

//s// Michelle M. Smith, Esq.

Michelle M. Smith, Esq.  
Office of the Superior Court Clerk

Name of Defendant to be served: Red Hook Container Terminal, LLC

Address of Defendant to be served: 138 Marsh Street  
Port Newark, NJ 07114

## **Directory of Superior Court Deputy Clerk's Offices County Lawyer Referral and Legal Services Offices**

### **ATLANTIC COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division, Direct Filing  
1201 Bacharach Blvd., First Fl.  
Atlantic City, NJ 08401

LAWYER REFERRAL: (609) 345-3444  
LEGAL SERVICES: (609) 348-4200

### **BERGEN COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division, Room 115  
Justice Center, 10 Main St.  
Hackensack, NJ 07601

LAWYER REFERRAL: (201) 488-0044  
LEGAL SERVICES: (201) 487-2166

### **BURLINGTON COUNTY:**

Deputy Clerk of the Superior Court  
Central Processing Office  
Attn: Judicial Intake  
First Fl., Courts Facility  
49 Rancocas Rd.  
Mt. Holly, NJ 08060

LAWYER REFERRAL: (609) 261-4862  
LEGAL SERVICES: (800) 496-4570

### **CAMDEN COUNTY:**

Deputy Clerk of the Superior Court  
Civil Processing Office  
Hall of Justice  
1st Fl., Suite 150  
101 South 5th Street  
Camden, NJ 08103

LAWYER REFERRAL: (856) 964-4520  
LEGAL SERVICES: (856) 964-2010

### **CAPE MAY COUNTY:**

Deputy Clerk of the Superior Court  
9 N. Main Street  
Cape May Court House, NJ 08210

LAWYER REFERRAL: (609) 463-0313  
LEGAL SERVICES: (609) 465-3001

### **CUMBERLAND COUNTY:**

Deputy Clerk of the Superior Court  
Civil Case Management Office  
60 West Broad Street  
P.O. Box 10  
Bridgeton, NJ 08302

LAWYER REFERRAL: (856) 696-5550  
LEGAL SERVICES: (856) 691-0494

### **ESSEX COUNTY:**

Deputy Clerk of the Superior Court  
Civil Customer Service  
Hall of Records, Room 201  
465 Dr. Martin Luther King Jr. Blvd.  
Newark, NJ 07102

LAWYER REFERRAL: (973) 622-6204  
LEGAL SERVICES: (973) 624-4500

### **GLOUCESTER COUNTY:**

Deputy Clerk of the Superior Court  
Civil Case Management Office  
Attn: Intake  
First Fl., Court House  
1 North Broad Street  
Woodbury, NJ 08096  
LAWYER REFERRAL (856) 848-4589  
LEGAL SERVICES (856) 848-5360

### **HUDSON COUNTY:**

Deputy Clerk of the Superior Court  
Superior Court, Civil Records Dept.  
Brennan Court House—1st Floor  
583 Newark Ave.  
Jersey City, NJ 07306

LAWYER REFERRAL (201) 798-2727  
LEGAL SERVICES (201) 792-6363

### **HUNTERDON COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division  
65 Park Avenue  
Flemington, NJ 08822

LAWYER REFERRAL (908) 735-2611  
LEGAL SERVICES (908) 782-7979

**MERCER COUNTY:**

Deputy Clerk of the Superior Court  
Local Filing Office, Courthouse  
175 S. Broad Street, P.O. Box 8068  
Trenton, NJ 08650

LAWYER REFERRAL (609) 585-6200  
LEGAL SERVICES (609) 695-6249

**MIDDLESEX COUNTY:**

Deputy Clerk of the Superior Court,  
Middlesex Vicinage  
2nd Floor - Tower  
56 Paterson Street, P.O. Box 2633  
New Brunswick, NJ 08903-2633

LAWYER REFERRAL (732) 828-0053  
LEGAL SERVICES (732) 249-7600

**MONMOUTH COUNTY:**

Deputy Clerk of the Superior Court  
Court House  
P.O. Box 1269  
Freehold, NJ 07728-1269

LAWYER REFERRAL (732) 431-5544  
LEGAL SERVICES (732) 866-0020

**MORRIS COUNTY:**

Morris County Courthouse  
Civil Division  
Washington and Court Streets  
P. O. Box 910  
Morristown, NJ 07963-0910

LAWYER REFERRAL (973) 267-5882  
LEGAL SERVICES (973) 285-6911

**OCEAN COUNTY:**

Deputy Clerk of the Superior Court  
118 Washington Street, Room 121  
P.O. Box 2191  
Toms River, NJ 08754-2191

LAWYER REFERRAL (732) 240-3666  
LEGAL SERVICES (732) 341-2727

**PASSAIC COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division  
Court House  
77 Hamilton Street  
Paterson, NJ 07505

LAWYER REFERRAL (973) 278-9223  
LEGAL SERVICES (973) 523-2900

**SALEM COUNTY:**

Deputy Clerk of the Superior Court  
Attn: Civil Case Management Office  
92 Market Street  
Salem, NJ 08079

LAWYER REFERRAL (856) 935-5629  
LEGAL SERVICES (856) 451-0003

**SOMERSET COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division  
P.O. Box 3000  
40 North Bridge Street  
Somerville, N.J. 08876

LAWYER REFERRAL (908) 685-2323  
LEGAL SERVICES (908) 231-0840

**SUSSEX COUNTY:**

Deputy Clerk of the Superior Court  
Sussex County Judicial Center  
43-47 High Street  
Newton, NJ 07860

LAWYER REFERRAL (973) 267-5882  
LEGAL SERVICES (973) 383-7400

**UNION COUNTY:**

Deputy Clerk of the Superior Court  
1st Fl., Court House  
2 Broad Street  
Elizabeth, NJ 07207-6073

LAWYER REFERRAL (908) 353-4715  
LEGAL SERVICES (908) 354-4340

**WARREN COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division Office  
Court House  
413 Second Street  
Belvidere, NJ 07823-1500

LAWYER REFERRAL (973) 267-5882  
LEGAL SERVICES (908) 475-2010

Appendix XII-B1

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b>			<b>FOR USE BY CLERK'S OFFICE ONLY</b> PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. AMOUNT: OVERPAYMENT: BATCH NUMBER:
	Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed			
ATTORNEY / PRO SE NAME Christopher Konzelmann, Esquire		TELEPHONE NUMBER (215) 864-6334	COUNTY OF VENUE Essex	
FIRM NAME (if applicable) White and Williams LLP			DOCKET NUMBER (when available) ESX-L 316-14	
OFFICE ADDRESS LibertyView 457 Haddonfield Road, Suite 400 Cherry Hill, NJ 08002-2220			DOCUMENT TYPE Complaint	
NAME OF PARTY (e.g., John Doe, Plaintiff) Plaintiff		CAPTION Lexington Insurance Company as subrogee of Union Electric Steel Corporation v. Red Hook Container Terminal, LLC		
CASE TYPE NUMBER (See reverse side for listing) 699		HURRICANE SANDY RELATED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION <div style="border: 1px solid black; padding: 5px; width: fit-content;">FINGERPRINTS</div>		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE? <div style="border: 1px solid black; padding: 5px; width: fit-content;">RECEIVED/FILED #29</div>		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).				
ATTORNEY SIGNATURE:				

Side 2



## CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

### CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

#### Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

#### Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

#### Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

#### Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

#### Multicounty Litigation (Track IV)

- |  |   |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT)  | 288 PRUDENTIAL TORT LITIGATION                            |
| 271 ACCUTANE/ISOTRETINOIN              | 289 REGLAN  |
| 274 RISPERDAL/SEROQUEL/ZYPREXA         | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION                |
| 278 ZOMETA/AREDIA                      | 291 PELVIC MESH/GYNECARE                                  |
| 279 GADOLINIUM                         | 292 PELVIC MESH/BARD                                      |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION                      |
| 282 FOSAMAX                            | 295 ALLODERM REGENERATIVE TISSUE MATRIX                   |
| 284 NUVARING                           | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS       | 297 MIRENA CONTRACEPTIVE DEVICE                           |
| 286 LEVAQUIN                           | 601 ASBESTOS  |
| 287 YAZ/YASMIN/OCELLA                  | 623 PROPECIA  |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category     Putative Class Action     Title 59

**WHITE AND WILLIAMS LLP**

BY: Christopher Konzelmann

Identification No: 027971990

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Cherry Hill, NJ 08002-2220

856.317.3600

Attorneys for Plaintiff,

LEXINGTON INSURANCE COMPANY as  
subrogee of UNION ELECTRIC STEEL  
CORPORATION

Plaintiff,

v.

RED HOOK CONTAINER TERMINAL, LLC

Defendant.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - ESSEX COUNTY

DOCKET NO.: L-3116-14

CIVIL ACTION

COMPLAINT, JURY DEMAND, RULE  
4:5-1 CERTIFICATION, AND TRIAL  
DESIGNATION

Plaintiff, by way of complaint against the defendant, avers as follows:

1. Plaintiff Lexington Insurance Company as subrogee of Union Electric Steel Corporation [Lexington] conducts business in the State of New Jersey and maintains offices at 175 Water Street, New York, New York.
2. Defendant Red Hook Container Terminal, LLC [Red Hook] is a New York Corporation authorized to transact business in the State of New Jersey that maintains offices at 138 Marsh Street, Port Newark, New Jersey.
3. Union Electric Steel Corporation delivered forged hardened steel rolls (steel rolls) used in cold rolling mills to the Red Hook facility between July 2012 and October 2012. The steel rolls were to be loaded on vessels and shipped to others.
4. Red Hook took possession of and stored the steel rolls at its facility before loading and shipment.

5. Forecasters began predicting a significant storm would impact the Port Newark area in late October 2012.

6. Despite predictions of the significant storm, Red Hook did not take fair and reasonable steps to ensure that the steel rolls were properly protected from the elements.

7. Hurricane Sandy impacted the Port Newark area on or about October 29, 2012. The Hurricane caused significant flooding in the Port Newark area. The flooding damaged and/or destroyed Union Electric's property.

8. Lexington Insurance Company insured the Union Electric steel rolls. Pursuant to the terms of Lexington's policy, the company would become subrogated to its insured's rights and claims against third parties responsible for causing a covered loss.

9. Union Electric submitted a claim to Lexington seeking policy benefits for the damaged steel rolls. Lexington accepted coverage and ultimately paid its insured \$4,342,459.00.

10. Lexington is subrogated to its insured's rights and claims against the third party responsible for the damage, the defendant in this litigation.

**COUNT ONE**

11. Plaintiff incorporates the allegations contained in the preceding paragraphs as if set forth at length.

12. Union Electric delivered steel rolls to Red Hook for storage prior to shipment.

13. There was a bailor/bailee relationship between Union Electric and Red Hook while Red Hood was storing the steel rolls.

14. Red Hook owed a duty to exercise due and reasonable care while storing the steel rolls.

15. The Union Electric steel rolls were damaged while in Red Hook's care, custody, and control.

16. Red Hook breached its duty to exercise due and reasonable care over Union Electric's property while in the company's care, custody, and control.

17. Red Hook's breach of duty was a direct and proximate cause of the loss and resulting damage.

18. Red Hook is liable for the damage to Union Electric's steel rolls under principles of bailment law.

WHEREFORE, plaintiff, as subrogee of its insured, demands judgment against the defendant for damages together with interest, attorneys fees, and cost of suit.

**COUNT TWO**

19. Plaintiff incorporates the allegations contained in the preceding paragraphs as if set forth at length.

20. Union Electric delivered steel rolls to Red Hook for storage prior to shipment.

21. Union Electric delivered the steel rolls to Red Hook in a good condition.

22. The steel rolls were lost or damaged while in Red Hook's possession.

23. Red Hook converted Union Electric's property while in its possession and control.

24. Red Hook is liable to plaintiff for the conversion of the steel rolls.

WHEREFORE, plaintiff, as subrogee of its insured, demands judgment against the defendant for damages together with interest, attorneys fees, and cost of suit.

**JURY DEMAND**

Plaintiff respectfully requests a trial by jury as to all issues presented in this matter.

**CERTIFICATION PURSUANT TO RULE 4:5-1**

Pursuant to Rule 4:5-1, I hereby certify that this matter is not the subject of any other action pending in any other court or of a pending arbitration proceeding.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, Plaintiff hereby designates Christopher Konzelmann, Esquire as trial counsel in this matter.

**WHITE AND WILLIAMS LLP**  
Attorneys for Plaintiff,

BY:

Christopher Konzelmann

Dated: April 29, 2014